

Entered - 08/05/03 - sb  
CL03L0632 - DIANNE C. MITCHELL

CLAIM OF: **ROBERT J. CASTELLANI**  
832 Springdale Road, NE  
Atlanta, Georgia 30306

04- R -0012

JAN 20 2004

For damages alleged to have been sustained as a result of property damage due to a broken sanitary sewer line on May 16, 2003 at 832 Springdale Road, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

JAN 20 2004

**CERTIFIED**  
JAN 20 2004  
Kerrie DeLoach  
MUNICIPAL CLERK

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_

  
C. T. Martin

  
Hank Shock

  
Carla Amato



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 28, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Robert J. Castellani  
832 Springdale Rd., NE  
Atlanta, GA 30306

04-R-0012

Dear Mr. Castellani:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 20, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0632

Date: December 30, 2003

Claimant /Victim ROBERT J. CASTELLANI

BY: (Atty) \_\_\_\_\_

Address: 832 Springdale Road, NE, Atlanta, Georgia 30306

Subrogation: \_\_\_\_\_ Claim for Property damage \$ Not Stated Bodily Injury \$ \_\_\_\_\_

Date of Notice: 08/01/03 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X

Date of Occurrence 05/16/03 Place: 832 Springdale Road, NE

Department Watershed Management Bureau: Waste Water

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that he has incurred plumbing expenses due to repairs made on a broken sanitary sewer line. The investigation determined that the sanitary sewer line in question is a private sewer line and the maintenance of same is the responsibility of the claimant.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_

Claims Manager  Concur/date 12/30/03

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5345  
1/20/04  
1:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-7 EXCEPT: 03-O-1954  
03-O-2109  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

1-20-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-0050 2. 04-O-0042 3. 03-O-2170 4. 03-O-1185 5. 03-O-2179 6. 03-O-0318 7. 04-R-0046 8. 04-R-0054 9. 04-R-0063 10. 04-R-0064 11. 04-R-0065 12. 03-R-0034 13. 03-R-2216 14. 04-R-0036 15. 04-R-0038 16. 04-R-0001 17. 04-R-0002 18. 04-R-0003 19. 04-R-0004 20. 04-R-0005 21. 04-R-0006	22. 04-R-0007 23. 04-R-0008 24. 04-R-0009 25. 04-R-0010 26. 04-R-0011 27. 04-R-0012 28. 04-R-0013 29. 04-R-0014 30. 04-R-0015 31. 04-R-0016 32. 04-R-0017 33. 04-R-0018 34. 04-R-0019 35. 04-R-0020 <b>36.</b> 04-R-0021 37. 04-R-0022 38. 04-R-0023 39. 04-R-0024 40. 04-R-0025 41. 04-R-0026 42. 04-R-0027 43. 04-R-0028 44. 04-R-0029